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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,359	07/22/2003	Douglas S. McBain	OMNZ 2 00005-1 0-005330US	7520
27885	7590	11/14/2005	EXAMINER	
FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP 1100 SUPERIOR AVENUE, SEVENTH FLOOR CLEVELAND, OH 44114			NAKARANI, DHIRAJLAL S	
			ART UNIT	PAPER NUMBER
			1773	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/624,359

**Applicant(s)**

MCBAIN ET AL.

**Examiner**

D. S. Nakarani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-26 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-17 and 19-26 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. Claim 1 is objected to because of the following informalities: Claim 1, line 11, the phrase "wherein wherein" should read -- wherein --. Appropriate correction is required.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-17 and 19-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujishiro et al (U. S. Patent 5,902,534) in view of Cobbledick et al (U. S. Patent 4,414,173) and Yonemochi et al (U. S. Patent 6,180,043 B1).

Fujishiro et al disclose in-mold coated thermoplastic resin article. The thermoplastic resin such as polyethylene, polypropylene, polyvinyl acetate, ethylene-vinyl acetate copolymer etc. are disclosed (column 10, line 52 to column 11, line 29). Fujishiro et al's coating composition is a thermoset coating composition cured by free radical generator such as t-butyl- proxy benzoate (column 27, line 57 to column 28, line 7). Fujishiro et al's process comprises the steps of (a) forming a thermoplastic piece in a closed mold, (b) injecting a thermoset coating composition, (c) opening said mold and removing coated article (Example 1). Fujishiro et al disclose a blend of disclosed thermoplastic polymers (column 11, lines 15 and 16). Fujishiro et al also disclose that fibrous filler can be added to the thermoplastic polymer (column 11, lines 20-25). Fujishiro et al fail to disclose thermoplastic resin such as ethylene-propylene copolymer,

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grafted polyolefin, mixture of polyolefin and functionalized polyolefin and claimed coating composition.

Cobbledick et al disclose a thermoset coating composition, which encompasses claimed coating composition (column 1, line 55 to column 5, line 43 and Examples).

Cobbledick et al disclose substrate made of thermosetting synthetic resin material such as sheet molding compound, bulk molding compound etc (column 6, lines 49-55).

Yonemochi et al disclose in-mold coated articles. Yonemochi et al's coating composition is similar to the coating composition disclosed by Fujishiro et al.

Yonemochi et al's substrate for coating include thermosetting substrate such as disclosed by Cobbledick et al and thermoplastic substrate disclosed by Fujishiro et al (Table 1 for coating composition and column 2, lines 10-20 for the substrates).

Yonemochi et al disclose a method of in-mold coating comprising steps of forming a molded product by molding a synthetic resin molding material in a mold according to an injection molding method, an injection compression molding method or an injection press molding method, and injecting a coating material into the mold to coat a surface of the molded product with the coating material (Col. 1, lines 3-15). Thus Yonemochi et al's disclosed methods include Cobbledick et al's method and also Fujishiro et al's method.

Therefore in absence of establishing criticality of substrate such as ethylene-propylene copolymer, claimed grafted polyolefin etc., a person of ordinary skill in the art at the time of this invention made to utilize disclosure of Cobbledick et al and Yonemochi et al in the invention of Fujishiro et al to coat Cobbledick et al's coating

composition since it flows well and is stable for about a week. Also, Cobbledick et al's coating exhibits good adhesion and also paintable.

4. Applicant's arguments filed August 25, 2005 have been fully considered but they are not persuasive. In reference to rejection of claims under 35 U.S.C. 103(a) as being unpatentable over Fujishiro et al (U. S. Patent 5,902,534) in view of Cobbledick et al (U. S. Patent 4,414,173) and Yonemochi et al (U. S. Patent 6,180,043 B1) applicants mainly argue that neither Fujishiro et al nor Yonemochi et al teach or suggest claimed coating composition comprising six components. With respect to Cobbledick et al, there is no motivation to combine the teachings of Cobbledick et al with either Fujishiro et al or Yonemochi et al. Cobbledick et al is directed to an in-mold coating for compression molded fiber reinforced thermosetting plastic. It has absolutely no applicability to the coating of injection molded non-fiber reinforced thermoplastic resins such as polyolefins.

These arguments are un persuasive because the coating composition of both Fujishiro et al and Yonemochi et al are thermosetting addition polymerizable coating compositions. The Examiner agree that neither Fujishiro et al nor Yonemochi et al disclose claimed six components thermosetting addition polymerizable coating composition. However Yonemochi et al disclose equivalency of fiber reinforced thermosetting plastic substrate and thermoplastic substrate. Yonemochi et al also disclose in-mold coating process using injection molded substrate or compression molded substrate. Cobbledick et al disclose six or more components thermosetting addition polymerizable coating composition, which flows well and is stable for about a

week. Cobbledick et al's coating composition results in the coating exhibiting good adhesion and is paintable. Therefore it is obvious to one of ordinary skill in the art at the time of this invention made to utilize Cobbledick et al's coating composition.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

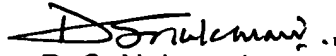
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. S. Nakarani whose telephone number is (571) 272-1512. The examiner can normally be reached on Tuesday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on (571) 272-1284. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
D. S. Nakarani  
Primary Examiner  
Art Unit 1773

Dsn  
November 6, 2005.